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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/23/2001

Yuji Saiki

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38834

7590

11/30/2006

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON, DC 20036

EXAMINER

SEFER, AHMED N

ART UNIT

PAPER NUMBER

2826

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/001,709	SAIKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	A. Sefer	2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 1-34 is withdrawn in view of the newly discovered reference(s) to Taira et al. ("Taira") US PG-Pub 2002/0180678. Rejections based on the newly cited reference(s) follow.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recitation of claim 1, 8, 13-15 calling for, "... a polarizing degree of 99% ... of wavelength 420 to 550 ... degree of 99% ... of wavelength 550 to 700" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: There is no adequate description and/or discussion of figs. 1 and 2. Furthermore, it is not clear what the X- and Y-coordinates represent.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 8, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Taira.

Taira discloses in figs. 3 and 5 a polarizing plate comprising a polarizer film, the polarizing film comprising a first portion 107 having a polarization degree of 99% or more at each wavelength of light for wavelengths of the range recited in the claim, and a second portion 108 having a polarization degree of 99% or more at each wavelength of light for wavelengths of the range recited in the claim, where the first portion and the second portion are laminated.

Regarding claim 8, Taira discloses (par. 40) a polarizing plate comprising a polarizer, the polarizer comprising two portions of a polarizer laminated so that the absorption axis are disposed in parallel to each other.

6. Claims 13 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Taira.

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Taira discloses in figs. 3 and 5 a liquid crystal display comprising on at least one side of a liquid crystal cell 103; a polarizing plate comprising a polarizer film, the polarizing film comprising a first portion 107 having a polarization degree of 99% or more at each wavelength of light for wavelengths of the range recited in the claim, and a second portion 108 having a polarization degree of 99% or more at each wavelength of light for wavelengths of the range recited in the claim, where the first portion and the second portion are laminated.

Regarding claim 22, Taira discloses a polarizing plate located on one side of a liquid crystal cell 103.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-7, 9-12, 16-18, 21, 23 and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taira in view of Miyatake et al. ("Miyatake") USPN 6,706,339.

Taira discloses the device structure as recited in the claim, but does not specifically disclose an adhesive.

Miyatake discloses (figs. 1-2 and cols. 9 and 11, lines 23-55 and 56-62 respectively) a polarizing plate comprising a polarizer, the polarizer comprising: a first portion 3 having a high polarization degree and a second portion 1 having a high polarization degree wherein the first portion and the second portion are laminated by an adhesive 1 (**as in claims 2 and 18**), directly laminated (**as in claim 17**) or pressure-sensitive adhesive (**as in claim 6**).

Therefore, one having an ordinary skill in the art at the time the invention was made would be motivated to modify Taira's device by incorporating an adhesive so as to prevent sliding of optical axes and foreign matter from entering between the films as taught by Miyatake.

Regarding claims 4 and 5, Miyatake discloses (col. 11, lines 56-62) the adhesive being a polyvinyl alcohol-based adhesive or urethane-based adhesive (**as in claim 5**).

Regarding claims 3 and 7, the specification contains no disclosure of either the critical nature of the claimed arrangement or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Regarding claims 9 and 10, Miyatake discloses (col. 10, lines 16-31) a reflector/transreflector or a retardation plate (**as in claim 10**) attached to the polarizing plate.

Regarding claims 11, 12, 21 and 23, Miyatake discloses (cols. 4 and 10, lines 19-44 and 17-31 respectively) a viewing angle compensating film or a brightness enhancing film attached to the polarizing plate, wherein the polarizing plate transmits a linearly polarized light having a predetermined polarization axis (**as in claims 21 and 23**).

Regarding claim 29, the combined references disclose an optical member comprising an optical layer which is the polarizing plate according to claim 1 and at least two other optical layers (col. 10, lines 54-67 of Miyatake).

Regarding claims 16 and 30, Miyatake discloses (col. 9, lines 42-55) discloses more than two polarizing films joined by more than adhesive layer and a protective film for preventing contamination on both sides of the film; thus, it reads into the claim limitation "an adhesive layer

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on a polarizing plate and exposed surface thereof, and a separator for preventing contamination on the adhesive layer.” Note the recitation of claim 30 calling for “for adhesion with other members” constitutes functional language which must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. *In re Casey*, 152 USPQ 235 (CCPA 1967); see also *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding claims 17 and 31, an adhesive temporarily being covered would be an intermediate process different from the final product; therefore, it reads to a process and "product by process" claims are directed to the product per se, no matter how actually made, *In re Hirao*, 190 USPQ 15 at 17 (footnote 3). See also *In re Brown*, 173 USPQ 685 and *In re Thorpe*, 227 USPQ 964, 966. Further, note that the applicant has the burden of proof in such cases, as the above case law makes clear. Also see MPEP 2113.

Regarding claims 32 and 33, Miyatake discloses (cols. 2, lines 45-60) a transparent protective film being provided on a side of a polarizing film, wherein no protective film is provided between first and second portions of the polarizing film.

Regarding claim 34, Miyatake discloses first portion and a second portion being directly laminated by an adhesive (col. 9, lines 42-54), and transparent protective layer being provided (cols. 2, lines 45-60) on one side or both sides of the polarizer.

9. Claims 14, 15 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taira in view of Miyatake et al. (“Miyatake”) USPN 6,706,339.

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Taira discloses in figs. 3 and 5 a liquid crystal display comprising on at least one side of a liquid crystal cell 103; a polarizing plate comprising a polarizer film, the polarizing film comprising a first portion 107 having a polarization degree of 99% or more at each wavelength of light for wavelengths of the range recited in the claim, and a second portion 108 having a polarization degree of 99% or more at each wavelength of light for wavelengths of the range recited in the claim, where the first portion and the second portion are laminated, but does not disclosed a pressure-sensitive adhesive.

Miyatake discloses (figs. 1-2 and cols. 9 and 11, lines 23-55 and 56-62 respectively) a polarizing plate comprising a polarizer, the polarizer comprising: a first portion 3 having a high polarization degree and a second portion 1 having a high polarization degree wherein the first portion and the second portion are laminated by an adhesive 1 or pressure-sensitive adhesive (**as in claim 15**).

Therefore, one having an ordinary skill in the art at the time the invention was made would be motivated to modify Taira's device by incorporating an adhesive so as to prevent sliding of optical axes and foreign matter from entering between the films as taught by Miyatake.

Regarding claims 24 and 26, Taira discloses a polarizing plate located on one side of a liquid crystal cell 103.

Regarding claims 25 and 27, Miyatake discloses (cols. 4 and 10, lines 19-44 and 17-31 respectively) the polarizing plate transmits a linearly polarized light having a predetermined polarization axis.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Sefer whose telephone number is (571) 272-1921.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANS  
November 24, 2006

  
*A. Sefer*  
*Patent Examiner*  
*Art Unit 2826*